VILLAGE OF PERRY, NEW YORK
Police-Community Collaborative
Executive Order 203 Compliance Report

February, 2021

I.   LEGISLATIVE CONTEXT

On June 12, 2020, New York State Governor Andrew Cuomo signed Executive Order 203, in response to nationwide concerns regarding police conduct and the relationship between the police and the communities they serve. The order outlines an approach for a community-driven review of police policies, procedures, and other elements of community interaction with the department.

II.   PLAN INTENT

This plan is intended to both meet the spirit of the Executive Order, and to provide for a framework for future improvements to policies, procedures, and community engagement of the Perry Police Department.

III.   PLANNING PROCESS

The Executive Order generally provides for a planning process to support this effort, which is driven by a community-based committee. On September 21, 2020, Mayor Rick Hauser appointed a steering committee to manage this effort, including:

- Giuseppe Gentile (Resident)
- Bob Doyle (Resident)
- Sarah Plantz (Resident)
- Daryl McGlaughlin (Resident)
- Tim McGinnis (Resident)
- John Wheeler (Resident)
- Eric Bryant (Resident)
- Robin Lowery (Resident)
- Jacquie Billings (Trustee, Public Safety Committee)
- Dariel Draper (Deputy Mayor, Public Safety Committee)
- Mike Grover (Chief of Police)
- Don O'Geen (District Attorney)
- Norm Effman (Public Defender)

The Committee met throughout the months of November and December of 2020, and held a public forum via Zoom in January of 2021. A public hearing on initial findings was held on February 1, 2021, and the draft plan was presented for adoption on February 16, 2021.

The Committee reviewed policies recommended by the Executive Order, and assessed demographic, arrest, and use of force data in accordance with the Order.

IV.   DATA OVERVIEW

The Committee charged the Chief of Police with developing data surrounding demographics of the Perry community, as well as statistics on arrests and use of force. It was determined that the Committee should review three complete years of data, as well as any substantial data developed in 2020.

Demographic data was developed for racial composition in the community.

Perry Racial Composition

Race	Percentage
White Only	92.8%
Black/African American Only	1%
Hispanic	1.2%
American Indian/Alaska Native Alone	0%
Asian Alone	0.5%
Native Hawaiian/Pacific Islander Alone	0%
Other Race Alone	0%
Multiple Races	4.5%

Source—2018 American Community Survey—5 Year Estimate

This information provided an initial backdrop for use in evaluating arrest information. Arrest data was developed for the years 2017 through October of 2020.

Arrest Data

Race	2017	2018	2019	2020
White	91%	87%	89%	87%
Black	5%	4%	6%	4%
Asian/Pacific Islander	0%	1%	0.5%	1%
American Indian/Alaskan	1%	1%	0.5%	1%
Hispanic	2%	6%	4%	6%
Unknown	1%	1%	0%	1%
Total Arrests	164	216	218	204

Source—Perry Police Department

The Committee then overlaid demographic and arrest information for their initial analysis.

Data Comparison

Race	Perry*	Arrests**	Var.
White	92.8%	175	-7
Black	1%	10	8
Asian/Pacific Islander	0.5%	1	0
American Indian/Alaskan	0%	1	1
Hispanic	1.2%	8	6
Other/Unknown	4.5%%	1	N/A
Base	3,524	197	

*Source—2018 American Community Survey—5 Year Estimate
**Source—Perry PD—3 Year Average (2017-2019)

Nearly immediately, it was recognized that two different statistics pools were being observed. Individuals who are being arrested, or otherwise engaging with the police department, are not necessarily Perry residents. This can cause data to skew. The Committee requested a review of arrests of Perry residents.

Arrest Data--Residents

Race	2020
White	98%
Black	<1%
Asian/Pacific Islander	0%
American Indian/Alaskan	0%
Hispanic	1.5%
Unknown	0%
Total Arrests	129

Source—Perry Police Department

Given this information, no concerns were identified relative to arrest activity and race.

Initially, it was reported that Perry experienced no use of force incidents for the study years (2017 – 2019). However, it was later determined that one use of force incident did occur in 2019. In response to a combative detainee (a white male), Perry officers deployed the stun feature of the Taser tool. The Chief also reported a display of both Taser and firearm during another pursuit of a black individual in 2020. Given the low volume and lack of a pattern based on race, no concerns were raised around use of force.

V.   **Policy Review**

The Executive Order charges the community with a review of certain police policies. The Perry Police Department subscribes to the Lexipol Policy Management System, which provides for regular calibration of policy elements with federal and state legislation, as well as best practice management. This ensures that the department's policy catalogue is in alignment with these critical issues.

The Committee charged the Chief with reporting out a policy audit on items recommended by the Executive Order.

The following policy areas were reviewed.

Use of Force

- What it is: Includes use of any tool or weapon designed to gain compliance over a suspect or detainee
- Executive Order Intent: Departments should have a regularly reviewed policy, with recurring training, review of data, and investigation of anomalies
- Perry PD Status: PPD officers are subject to a policy based upon national and state-validated best practices. Officers are trained and tested twice per year

Procedural Justice

- What it is: Procedural justice includes the conditions with which the department interacts with the community, and how these interactions shape the perceptions of the department
- Executive Order Intent: Committee to evaluate whether practices and procedures foster dignity and respect, give individuals a voice, demonstrate neutrality, and convey trustworthy motives

- Perry PD Status: The department's mission statement is centered on fair treatment for all. This is reinforced with officers, who also receive training at hire on proper conduct

Systemic/Implicit Bias

- What it is: Policies or processes that deter intentional or implied negative impacts disproportionately on certain populations
- Executive Order Intent: Evaluate policies, processes, etc. for their ability to detect and remediate bias-driven impacts
- Perry PD Status: The Village has a policy based upon national and state-validated best practices. Officers receive training on systemic and implicit bias at hire

De-Escalation

- What it is: Practices or actions in a potentially violent situation that can resolve the issue without force or injury
- Executive Order Intent: Identify policies, practices, procedures, training, etc. that contributes to de-escalation techniques
- Perry PD Status: The Department's use of force policy has specific direction relative to de-escalation. The policy is validated by national and state-validated best practices, and officers receive training twice per year

Law Enforcement Assisted Diversion/Restorative Justice

- What it is: Programs seeking to offer initial alternatives to incarceration
- Executive Order Intent: Identify and evaluate measures taken that will reduce or delay arrest, incarceration, etc.
- Perry PD Status: The Department engages regularly with County-managed diversion programs (Youth Court, Drug Court, etc.)

Community Outreach

- What it is: Programs and services designed to create positive relationships between the Police and the community
- Executive Order Intent: Identify programs and services designed to engage with high risk populations to deter future criminal activity
- Perry PD Status: The Department has a policy on community engagement, which is based on national and state-validated best practices. Moreover, the Department engages extensively in community service activity

Hot Spots Policing

- What it is: Leveraging data on criminal activity to prevent future crimes
- Executive Order Intent: Identify programs, services, practices that encourage use of data to develop policing practices
- Perry PD Status: The Department has not traditionally used data to drive its patrol operations, due to size of department, scale of community, etc. However, management does use intelligence and trend information to direct patrols when needed

Focused Deterrence

- What it is: Using partnerships in the community to engage directly with known groups of people at high risk for criminal activity or recidivism
- Executive Order Intent: Identify programs, policies, or practices where focused deterrence can or should be used
- Perry PD Status: The Department has not engaged in formal deterrence programs due to the scale of the community and the character of criminal activity. Programs like SRO have the intended effect

Crime Prevention Through Environmental Design

- What it is: The development of design standards for public or private property that may deter criminal activity
- Executive Order Intent: Evaluate the community's use of such standards, determine PD's role in supporting such measures
- Perry PD Status: The Department has not engaged in this concept

Violence Prevention Intervention

- What it is: Programs designed to identify community conditions whereby violence is engendered and engage specifically in these areas
- Executive Order Intent: Identify existing or potential opportunities to engage in intervention tactics
- Perry PD Status: Due to the very low numbers relative to violence, and the scale of the community, the department has not engaged in this concept

Based on the policy audit and discussions surrounding execution of policy elements, the Committee made several recommendations, which are highlighted in the ensuing section.

VI.   Recommendations

The Committee has provided several recommendations for review and consideration by the Perry Village Board of Trustees. Those include"

Recommendation 1.0: Mental Health Considerations

- The Challenge: Law enforcement must leverage additional tools and tactics to support individuals in the community challenged by mental health concerns
- Potential Improvement: Existing resources, and resource gaps can be identified through collaborative efforts among agencies
- Next Steps: Following adoption of the plan, the Chief of Police will convene a task force with County agencies supporting mental health issues. An overview of existing resources will be developed, and gaps will be communicated to County and State leadership

Recommendation 2.0: Enhanced Training

- The Challenge: Officers can routinely encounter incidents or situations where bias can be a factor. Training on this policy and subject matter only occurs at hire
- Potential Improvement: The Department should seek out additional training opportunities for affected policies, with an emphasis on mitigating the influence of bias
- Next Steps: The Board should continue and enhance investment in training for officers

Recommendation 3.0: Continued Review

- The Challenge: Issues facing communities and law enforcement are constantly evolving, as are community demographics. Policies may not evolve as quickly
- Potential Improvement: The Board should engage with a similar committee once per year to review data and policy implications, and make recommendations to the Chief
- Next Steps: The Mayor should convene such a committee one year from now, and each ensuring year for review